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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,217	11/20/2003	Eric K. Mangiardi	37621/52803	9014

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MERIT MEDICAL SYSTEMS, INC.
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EXAMINER

TRUONG, KEVIN THAO

ART UNIT	PAPER NUMBER
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3734

MAIL DATE	DELIVERY MODE
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08/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Note: This in response the amendment filed 07/06/2010.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-4, 6-14, 16-32, and 32-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1 and 27 have been amended to include "the exterior surface of the cover **adhered** to the interior surface of a plurality of the struts" which was not described in the specification.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-14, 16-32, and 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Sogard et al. (US 6139573).

Note in figures 1-6, a scaffolding (10) configured to define a substantially cylindrical member forming a lumen there through, wherein the scaffolding (10)

Art Unit: 3734

having an interior and an exterior surfaces (11,13) and struts (17) with geometrical patterns formed by angles, wherein the angles determine the relative flexibility of the medical appliance such that the appliance conforms to the topography of a target lumen and when pressure is exerted along varying points of the longitudinal extension of the appliance, wherein the scaffolding (10) further comprises a polymeric coating material (14,19) coupled with the scaffolding (10) such that both the struts (17) and the area between the struts (17) are coated, wherein the coating (cover) (14,19) can be substantially hydrophobic, hydrophilic, or hydroscopic and furthermore, wherein the scaffolding (10) can be inserted into the internal diameter of the mold; applying a polymer to the interior surface of the scaffolding (10); and annealing the polymer to the stent by applying heat to the polymer.

Response to Arguments

Applicant's arguments filed 07/06/2010 have been fully considered but they are not persuasive. Claims 1 and 27 have been amended to include the exterior surface of the cover **adhered** to the interior surface of a plurality of the struts, which cannot be found in the specification, pages 13, 14 nor claim 14 as amended or originally filed as pointed out by applicant's remarks. The Examiner disagrees with Applicant's remarks and has maintained the grounds of rejection under 35 U.S.C. 102 (b) as being anticipated by Sogard et al. '573 for the same reasons as set forth in the previous office action.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin T. Truong whose telephone number is 571-272-4705. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin T. Truong/
Primary Examiner, Art Unit 3734

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